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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS JOHN WILLIAMS,

Plaintiff - Appellant,

v.

DOUG WADDINGTON, Superintendent;
et al.,

Defendants - Appellees.

No. 08-35530

D.C. No. 3:07-cv-05216-BHS

MEMORANDUM *

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Submitted September 14, 2009 **

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Carlos John Williams, a Washington state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

exhaust administrative remedies pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's application of substantive law and review for clear error its factual determinations, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because Williams did not complete the prison grievance process prior to filing suit, and failed to demonstrate that he was obstructed from doing so. *See Woodford v. Ngo*, 548 U.S. 81, 90-91 (2006) (explaining that “proper exhaustion” under § 1997e(a) requires inmates to complete “all steps that the agency holds out” and follow administrative procedural rules).

We will not consider issues that Williams waived by failing to raise in the district court or in argue his opening brief. *See Int'l Union of Bricklayers & Allied Craftsman Local Union v. Martin Jaska, Inc.*, 752 F.2d 1401, 1404 (9th Cir. 1985) (stating that this court ordinarily will not review an issue not raised below or consider matters on appeal that are not specifically and distinctly raised and argued in appellant's opening brief).

AFFIRMED.